



Sen. John J. Cullerton

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LRB096 07044 AJT 38891 a

1 AMENDMENT TO SENATE BILL 935

2 AMENDMENT NO. _____. Amend Senate Bill 935 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-208.3 and 11-208.6 as follows:

6 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

7 Sec. 11-208.3. Administrative adjudication of violations
8 of traffic regulations concerning the standing, parking, or
9 condition of vehicles and automated traffic law violations.

10 (a) Any municipality may provide by ordinance for a system
11 of administrative adjudication of vehicular standing and
12 parking violations and vehicle compliance violations as
13 defined in this subsection and automated traffic law violations
14 as defined in Section 11-208.6 or 11-1201.1. The administrative
15 system shall have as its purpose the fair and efficient
16 enforcement of municipal regulations through the

1 administrative adjudication of automated traffic law
2 violations and violations of municipal ordinances regulating
3 the standing and parking of vehicles, the condition and use of
4 vehicle equipment, and the display of municipal wheel tax
5 licenses within the municipality's borders. The administrative
6 system shall only have authority to adjudicate civil offenses
7 carrying fines not in excess of \$500 or requiring the
8 completion of a traffic education program, or both, that occur
9 after the effective date of the ordinance adopting such a
10 system under this Section. For purposes of this Section,
11 "compliance violation" means a violation of a municipal
12 regulation governing the condition or use of equipment on a
13 vehicle or governing the display of a municipal wheel tax
14 license.

15 (b) Any ordinance establishing a system of administrative
16 adjudication under this Section shall provide for:

17 (1) A traffic compliance administrator authorized to
18 adopt, distribute and process parking, compliance, and
19 automated traffic law violation notices and other notices
20 required by this Section, collect money paid as fines and
21 penalties for violation of parking and compliance
22 ordinances and automated traffic law violations, and
23 operate an administrative adjudication system. The traffic
24 compliance administrator also may make a certified report
25 to the Secretary of State under Section 6-306.5.

26 (2) A parking, standing, compliance, or automated

1 traffic law violation notice that shall specify the date,
2 time, and place of violation of a parking, standing,
3 compliance, or automated traffic law regulation; the
4 particular regulation violated; any requirement to
5 complete a traffic education program; the fine and any
6 penalty that may be assessed for late payment or failure to
7 complete a required traffic education program, or both,
8 when so provided by ordinance; the vehicle make and state
9 registration number; and the identification number of the
10 person issuing the notice. With regard to automated traffic
11 law violations, vehicle make shall be specified on the
12 automated traffic law violation notice if the make is
13 available and readily discernible. With regard to
14 municipalities with a population of 1 million or more, it
15 shall be grounds for dismissal of a parking violation if
16 the state registration number or vehicle make specified is
17 incorrect. The violation notice shall state that the
18 completion of any required traffic education program, the
19 payment of any indicated fine, and the payment of any
20 applicable penalty for late payment or failure to complete
21 a required traffic education program, or both, shall
22 operate as a final disposition of the violation. The notice
23 also shall contain information as to the availability of a
24 hearing in which the violation may be contested on its
25 merits. The violation notice shall specify the time and
26 manner in which a hearing may be had.

1 (3) Service of the parking, standing, or compliance
2 violation notice by affixing the original or a facsimile of
3 the notice to an unlawfully parked vehicle or by handing
4 the notice to the operator of a vehicle if he or she is
5 present and service of an automated traffic law violation
6 notice by mail to the address of the registered owner of
7 the cited vehicle as recorded with the Secretary of State
8 within 30 days after the Secretary of State notifies the
9 municipality or county of the identity of the owner of the
10 vehicle, but in no event later than 90 days after the
11 violation. A person authorized by ordinance to issue and
12 serve parking, standing, and compliance violation notices
13 shall certify as to the correctness of the facts entered on
14 the violation notice by signing his or her name to the
15 notice at the time of service or in the case of a notice
16 produced by a computerized device, by signing a single
17 certificate to be kept by the traffic compliance
18 administrator attesting to the correctness of all notices
19 produced by the device while it was under his or her
20 control. In the case of an automated traffic law violation,
21 the ordinance shall require a determination by a technician
22 employed or contracted by the municipality or county that,
23 based on inspection of recorded images, the motor vehicle
24 was being operated in violation of Section 11-208.6 or
25 11-1201.1 or a local ordinance. If the technician
26 determines that the vehicle entered the intersection as

1 part of a funeral procession or in order to yield the
2 right-of-way to an emergency vehicle, a citation shall not
3 be issued. In municipalities with a population or less than
4 1,000,000 inhabitants and counties with a population of
5 less than 3,000,000 inhabitants, the automated traffic law
6 ordinance shall require that all determinations by a
7 technician that a motor vehicle was being operated in
8 violation of Section 11-208.6 or 11-1201.1 or a local
9 ordinance must be reviewed and approved by a law
10 enforcement officer of the municipality or county issuing
11 the violation. In municipalities with a population of
12 1,000,000 or more inhabitants and counties with a
13 population of 3,000,000 or more inhabitants, the automated
14 traffic law ordinance shall require that all
15 determinations by a technician that a motor vehicle was
16 being operated in violation of Section 11-208.6 or
17 11-1201.1 or a local ordinance must be reviewed and
18 approved by a law enforcement officer of the municipality
19 or county issuing the violation or by an additional
20 technician trained in traffic management and not employed
21 by the contractor who employs the technician who made the
22 initial determination. In all municipalities and counties,
23 the automated traffic law ordinance shall require that no
24 additional fee shall be charged to the alleged violator for
25 exercising his or her right to an administrative hearing,
26 and the automated traffic law ordinance shall provide that

1 after an administrative hearing where a person is found to
2 have violated Section 11-208.6 or 11-1201.1 or a similar
3 local ordinance, the person shall be given additional time
4 to pay the civil penalty imposed equal to the amount of
5 time that the person had to pay the original violation upon
6 issuance. The original or a facsimile of the violation
7 notice or, in the case of a notice produced by a
8 computerized device, a printed record generated by the
9 device showing the facts entered on the notice, shall be
10 retained by the traffic compliance administrator, and
11 shall be a record kept in the ordinary course of business.
12 A parking, standing, compliance, or automated traffic law
13 violation notice issued, signed and served in accordance
14 with this Section, a copy of the notice, or the computer
15 generated record shall be prima facie correct and shall be
16 prima facie evidence of the correctness of the facts shown
17 on the notice. The notice, copy, or computer generated
18 record shall be admissible in any subsequent
19 administrative or legal proceedings.

20 (4) An opportunity for a hearing for the registered
21 owner of the vehicle cited in the parking, standing,
22 compliance, or automated traffic law violation notice in
23 which the owner may contest the merits of the alleged
24 violation, and during which formal or technical rules of
25 evidence shall not apply; provided, however, that under
26 Section 11-1306 of this Code the lessee of a vehicle cited

1 in the violation notice likewise shall be provided an
2 opportunity for a hearing of the same kind afforded the
3 registered owner. The hearings shall be recorded, and the
4 person conducting the hearing on behalf of the traffic
5 compliance administrator shall be empowered to administer
6 oaths and to secure by subpoena both the attendance and
7 testimony of witnesses and the production of relevant books
8 and papers. Persons appearing at a hearing under this
9 Section may be represented by counsel at their expense. The
10 ordinance may also provide for internal administrative
11 review following the decision of the hearing officer.

12 (5) Service of additional notices, sent by first class
13 United States mail, postage prepaid, to the address of the
14 registered owner of the cited vehicle as recorded with the
15 Secretary of State or, if any notice to that address is
16 returned as undeliverable, to the last known address
17 recorded in a United States Post Office approved database,
18 or, under Section 11-1306 of this Code, to the lessee of
19 the cited vehicle at the last address known to the lessor
20 of the cited vehicle at the time of lease or, if any notice
21 to that address is returned as undeliverable, to the last
22 known address recorded in a United States Post Office
23 approved database. The service shall be deemed complete as
24 of the date of deposit in the United States mail. The
25 notices shall be in the following sequence and shall
26 include but not be limited to the information specified

1 herein:

2 (i) A second notice of parking, standing, or
3 compliance violation. This notice shall specify the
4 date and location of the violation cited in the
5 parking, standing, or compliance violation notice, the
6 particular regulation violated, the vehicle make and
7 state registration number, any requirement to complete
8 a traffic education program, the fine and any penalty
9 that may be assessed for late payment or failure to
10 complete a traffic education program, or both, when so
11 provided by ordinance, the availability of a hearing in
12 which the violation may be contested on its merits, and
13 the time and manner in which the hearing may be had.
14 The notice of violation shall also state that failure
15 to complete a required traffic education program, to
16 pay the indicated fine and any applicable penalty, or
17 to appear at a hearing on the merits in the time and
18 manner specified, will result in a final determination
19 of violation liability for the cited violation in the
20 amount of the fine or penalty indicated, and that, upon
21 the occurrence of a final determination of violation
22 liability for the failure, and the exhaustion of, or
23 failure to exhaust, available administrative or
24 judicial procedures for review, any incomplete traffic
25 education program or any unpaid fine or penalty, or
26 both, will constitute a debt due and owing the

1 municipality.

2 (ii) A notice of final determination of parking,
3 standing, compliance, or automated traffic law
4 violation liability. This notice shall be sent
5 following a final determination of parking, standing,
6 compliance, or automated traffic law violation
7 liability and the conclusion of judicial review
8 procedures taken under this Section. The notice shall
9 state that the incomplete traffic education program or
10 the unpaid fine or penalty, or both, is a debt due and
11 owing the municipality. The notice shall contain
12 warnings that failure to complete any required traffic
13 education program or to pay any fine or penalty due and
14 owing the municipality, or both, within the time
15 specified may result in the municipality's filing of a
16 petition in the Circuit Court to have the incomplete
17 traffic education program or unpaid fine or penalty, or
18 both, rendered a judgment as provided by this Section,
19 or may result in suspension of the person's drivers
20 license for failure to complete a traffic education
21 program or to pay fines or penalties, or both, for 10
22 or more parking violations under Section 6-306.5 or 5
23 or more automated traffic law violations under Section
24 11-208.6.

25 (6) A notice of impending drivers license suspension.
26 This notice shall be sent to the person liable for failure

1 to complete a required traffic education program or to pay
2 any fine or penalty that remains due and owing, or both, on
3 10 or more parking violations or 5 or more unpaid automated
4 traffic law violations. The notice shall state that failure
5 to complete a required traffic education program or to pay
6 the fine or penalty owing, or both, within 45 days of the
7 notice's date will result in the municipality notifying the
8 Secretary of State that the person is eligible for
9 initiation of suspension proceedings under Section 6-306.5
10 of this Code. The notice shall also state that the person
11 may obtain a photostatic copy of an original ticket
12 imposing a fine or penalty by sending a self addressed,
13 stamped envelope to the municipality along with a request
14 for the photostatic copy. The notice of impending drivers
15 license suspension shall be sent by first class United
16 States mail, postage prepaid, to the address recorded with
17 the Secretary of State or, if any notice to that address is
18 returned as undeliverable, to the last known address
19 recorded in a United States Post Office approved database.

20 (7) Final determinations of violation liability. A
21 final determination of violation liability shall occur
22 following failure to complete the required traffic
23 education program or to pay the fine or penalty, or both,
24 after a hearing officer's determination of violation
25 liability and the exhaustion of or failure to exhaust any
26 administrative review procedures provided by ordinance.

1 Where a person fails to appear at a hearing to contest the
2 alleged violation in the time and manner specified in a
3 prior mailed notice, the hearing officer's determination
4 of violation liability shall become final: (A) upon denial
5 of a timely petition to set aside that determination, or
6 (B) upon expiration of the period for filing the petition
7 without a filing having been made.

8 (8) A petition to set aside a determination of parking,
9 standing, compliance, or automated traffic law violation
10 liability that may be filed by a person owing an unpaid
11 fine or penalty. A petition to set aside a determination of
12 liability may also be filed by a person required to
13 complete a traffic education program. The petition shall be
14 filed with and ruled upon by the traffic compliance
15 administrator in the manner and within the time specified
16 by ordinance. The grounds for the petition may be limited
17 to: (A) the person not having been the owner or lessee of
18 the cited vehicle on the date the violation notice was
19 issued, (B) the person having already completed the
20 required traffic education program or paid the fine or
21 penalty, or both, for the violation in question, and (C)
22 excusable failure to appear at or request a new date for a
23 hearing. With regard to municipalities with a population of
24 1 million or more, it shall be grounds for dismissal of a
25 parking violation if the state registration number, or
26 vehicle make if specified, is incorrect. After the

1 determination of parking, standing, compliance, or
2 automated traffic law violation liability has been set
3 aside upon a showing of just cause, the registered owner
4 shall be provided with a hearing on the merits for that
5 violation.

6 (9) Procedures for non-residents. Procedures by which
7 persons who are not residents of the municipality may
8 contest the merits of the alleged violation without
9 attending a hearing.

10 (10) A schedule of civil fines for violations of
11 vehicular standing, parking, compliance, or automated
12 traffic law regulations enacted by ordinance pursuant to
13 this Section, and a schedule of penalties for late payment
14 of the fines or failure to complete required traffic
15 education programs, provided, however, that the total
16 amount of the fine and penalty for any one violation shall
17 not exceed \$250, except as provided in subsection (c) of
18 Section 11-1301.3 of this Code.

19 (11) Other provisions as are necessary and proper to
20 carry into effect the powers granted and purposes stated in
21 this Section.

22 (c) Any municipality establishing vehicular standing,
23 parking, compliance, or automated traffic law regulations
24 under this Section may also provide by ordinance for a program
25 of vehicle immobilization for the purpose of facilitating
26 enforcement of those regulations. The program of vehicle

1 immobilization shall provide for immobilizing any eligible
2 vehicle upon the public way by presence of a restraint in a
3 manner to prevent operation of the vehicle. Any ordinance
4 establishing a program of vehicle immobilization under this
5 Section shall provide:

6 (1) Criteria for the designation of vehicles eligible
7 for immobilization. A vehicle shall be eligible for
8 immobilization when the registered owner of the vehicle has
9 accumulated the number of incomplete traffic education
10 programs or unpaid final determinations of parking,
11 standing, compliance, or automated traffic law violation
12 liability, or both, as determined by ordinance.

13 (2) A notice of impending vehicle immobilization and a
14 right to a hearing to challenge the validity of the notice
15 by disproving liability for the incomplete traffic
16 education programs or unpaid final determinations of
17 parking, standing, compliance, or automated traffic law
18 violation liability, or both, listed on the notice.

19 (3) The right to a prompt hearing after a vehicle has
20 been immobilized or subsequently towed without the
21 completion of the required traffic education program or
22 payment of the outstanding fines and penalties on parking,
23 standing, compliance, or automated traffic law violations,
24 or both, for which final determinations have been issued.
25 An order issued after the hearing is a final administrative
26 decision within the meaning of Section 3-101 of the Code of

1 Civil Procedure.

2 (4) A post immobilization and post-towing notice
3 advising the registered owner of the vehicle of the right
4 to a hearing to challenge the validity of the impoundment.

5 (d) Judicial review of final determinations of parking,
6 standing, compliance, or automated traffic law violations and
7 final administrative decisions issued after hearings regarding
8 vehicle immobilization and impoundment made under this Section
9 shall be subject to the provisions of the Administrative Review
10 Law.

11 (e) Any fine, penalty, incomplete traffic education
12 program, or part of any fine or any penalty remaining unpaid
13 after the exhaustion of, or the failure to exhaust,
14 administrative remedies created under this Section and the
15 conclusion of any judicial review procedures shall be a debt
16 due and owing the municipality and, as such, may be collected
17 in accordance with applicable law. Completion of any required
18 traffic education program and payment in full of any fine or
19 penalty resulting from a standing, parking, compliance, or
20 automated traffic law violation shall constitute a final
21 disposition of that violation.

22 (f) After the expiration of the period within which
23 judicial review may be sought for a final determination of
24 parking, standing, compliance, or automated traffic law
25 violation, the municipality may commence a proceeding in the
26 Circuit Court for purposes of obtaining a judgment on the final

1 determination of violation. Nothing in this Section shall
2 prevent a municipality from consolidating multiple final
3 determinations of parking, standing, compliance, or automated
4 traffic law violations against a person in a proceeding. Upon
5 commencement of the action, the municipality shall file a
6 certified copy or record of the final determination of parking,
7 standing, compliance, or automated traffic law violation,
8 which shall be accompanied by a certification that recites
9 facts sufficient to show that the final determination of
10 violation was issued in accordance with this Section and the
11 applicable municipal ordinance. Service of the summons and a
12 copy of the petition may be by any method provided by Section
13 2-203 of the Code of Civil Procedure or by certified mail,
14 return receipt requested, provided that the total amount of
15 fines and penalties for final determinations of parking,
16 standing, compliance, or automated traffic law violations does
17 not exceed \$2500. If the court is satisfied that the final
18 determination of parking, standing, compliance, or automated
19 traffic law violation was entered in accordance with the
20 requirements of this Section and the applicable municipal
21 ordinance, and that the registered owner or the lessee, as the
22 case may be, had an opportunity for an administrative hearing
23 and for judicial review as provided in this Section, the court
24 shall render judgment in favor of the municipality and against
25 the registered owner or the lessee for the amount indicated in
26 the final determination of parking, standing, compliance, or

1 automated traffic law violation, plus costs. The judgment shall
2 have the same effect and may be enforced in the same manner as
3 other judgments for the recovery of money.

4 (g) The fee for participating in a traffic education
5 program under this Section shall not exceed \$25.

6 A low-income individual required to complete a traffic
7 education program under this Section who provides proof of
8 eligibility for the federal earned income tax credit under
9 Section 32 of the Internal Revenue Code or the Illinois earned
10 income tax credit under Section 212 of the Illinois Income Tax
11 Act shall not be required to pay any fee for participating in a
12 required traffic education program.

13 (Source: P.A. 95-331, eff. 8-21-07; 96-288, eff. 8-11-09;
14 96-478, eff. 1-1-10; revised 9-4-09.)

15 (625 ILCS 5/11-208.6)

16 Sec. 11-208.6. Automated traffic law enforcement system.

17 (a) As used in this Section, "automated traffic law
18 enforcement system" means a device with one or more motor
19 vehicle sensors working in conjunction with a red light signal
20 to produce recorded images of motor vehicles entering an
21 intersection against a red signal indication in violation of
22 Section 11-306 of this Code or a similar provision of a local
23 ordinance.

24 An automated traffic law enforcement system is a system, in
25 a municipality or county operated by a governmental agency,

1 that produces a recorded image of a motor vehicle's violation
2 of a provision of this Code or a local ordinance and is
3 designed to obtain a clear recorded image of the vehicle and
4 the vehicle's license plate. The recorded image must also
5 display the time, date, and location of the violation.

6 (b) As used in this Section, "recorded images" means images
7 recorded by an automated traffic law enforcement system on:

8 (1) 2 or more photographs;

9 (2) 2 or more microphotographs;

10 (3) 2 or more electronic images; or

11 (4) a video recording showing the motor vehicle and, on
12 at least one image or portion of the recording, clearly
13 identifying the registration plate number of the motor
14 vehicle.

15 (b-5) A municipality or county that produces a recorded
16 image of a motor vehicle's violation of a provision of this
17 Code or a local ordinance must make the recorded images of a
18 violation accessible to the alleged violator by providing the
19 alleged violator with a website address, accessible through the
20 Internet.

21 (c) A county or municipality, including a home rule county
22 or municipality, may not use an automated traffic law
23 enforcement system to provide recorded images of a motor
24 vehicle for the purpose of recording its speed. The regulation
25 of the use of automated traffic law enforcement systems to
26 record vehicle speeds is an exclusive power and function of the

1 State. This subsection (c) is a denial and limitation of home
2 rule powers and functions under subsection (h) of Section 6 of
3 Article VII of the Illinois Constitution.

4 (c-5) A county or municipality, including a home rule
5 county or municipality, may not use an automated traffic law
6 enforcement system to issue violations in instances where the
7 motor vehicle comes to a complete stop and does not enter the
8 intersection, as defined by Section 1-132 of this Code, during
9 the cycle of the red signal indication unless one or more
10 pedestrians are present, even if the motor vehicle stops at a
11 point past a stop line or crosswalk where a driver is required
12 to stop, as specified in subsection (c) of Section 11-306 of
13 this Code or a similar provision of a local ordinance.

14 (d) For each violation of a provision of this Code or a
15 local ordinance recorded by an automatic traffic law
16 enforcement system, the county or municipality having
17 jurisdiction shall issue a written notice of the violation to
18 the registered owner of the vehicle as the alleged violator.
19 The notice shall be delivered to the registered owner of the
20 vehicle, by mail, within 30 days after the Secretary of State
21 notifies the municipality or county of the identity of the
22 owner of the vehicle, but in no event later than 90 days after
23 the violation.

24 The notice shall include:

25 (1) the name and address of the registered owner of the
26 vehicle;

1 (2) the registration number of the motor vehicle
2 involved in the violation;

3 (3) the violation charged;

4 (4) the location where the violation occurred;

5 (5) the date and time of the violation;

6 (6) a copy of the recorded images;

7 (7) the amount of the civil penalty imposed and the
8 requirements of any traffic education program imposed and
9 the date by which the civil penalty should be paid and the
10 traffic education program should be completed;

11 (8) a statement that recorded images are evidence of a
12 violation of a red light signal;

13 (9) a warning that failure to pay the civil penalty, to
14 complete a required traffic education program, or to
15 contest liability in a timely manner is an admission of
16 liability and may result in a suspension of the driving
17 privileges of the registered owner of the vehicle; ~~and~~

18 (10) a statement that the person may elect to proceed
19 by:

20 (A) paying the fine, completing a required traffic
21 education program, or both; or

22 (B) challenging the charge in court, by mail, or by
23 administrative hearing; and -

24 (11) a website address, accessible through the
25 Internet, where the person may view the recorded images of
26 the violation.

1 (e) If a person charged with a traffic violation, as a
2 result of an automated traffic law enforcement system, does not
3 pay the fine or complete a required traffic education program,
4 or both, or successfully contest the civil penalty resulting
5 from that violation, the Secretary of State shall suspend the
6 driving privileges of the registered owner of the vehicle under
7 Section 6-306.5 of this Code for failing to complete a required
8 traffic education program or to pay any fine or penalty due and
9 owing, or both, as a result of 5 violations of the automated
10 traffic law enforcement system.

11 (f) Based on inspection of recorded images produced by an
12 automated traffic law enforcement system, a notice alleging
13 that the violation occurred shall be evidence of the facts
14 contained in the notice and admissible in any proceeding
15 alleging a violation under this Section.

16 (g) Recorded images made by an automatic traffic law
17 enforcement system are confidential and shall be made available
18 only to the alleged violator and governmental and law
19 enforcement agencies for purposes of adjudicating a violation
20 of this Section, for statistical purposes, or for other
21 governmental purposes. Any recorded image evidencing a
22 violation of this Section, however, may be admissible in any
23 proceeding resulting from the issuance of the citation.

24 (h) The court or hearing officer may consider in defense of
25 a violation:

26 (1) that the motor vehicle or registration plates of

1 the motor vehicle were stolen before the violation occurred
2 and not under the control of or in the possession of the
3 owner at the time of the violation;

4 (2) that the driver of the vehicle passed through the
5 intersection when the light was red either (i) in order to
6 yield the right-of-way to an emergency vehicle or (ii) as
7 part of a funeral procession; and

8 (3) any other evidence or issues provided by municipal
9 or county ordinance.

10 (i) To demonstrate that the motor vehicle or the
11 registration plates were stolen before the violation occurred
12 and were not under the control or possession of the owner at
13 the time of the violation, the owner must submit proof that a
14 report concerning the stolen motor vehicle or registration
15 plates was filed with a law enforcement agency in a timely
16 manner.

17 (j) Unless the driver of the motor vehicle received a
18 Uniform Traffic Citation from a police officer at the time of
19 the violation, the motor vehicle owner is subject to a civil
20 penalty not exceeding \$100 or the completion of a traffic
21 education program, or both, plus an additional penalty of not
22 more than \$100 for failure to pay the original penalty or to
23 complete a required traffic education program, or both, in a
24 timely manner, if the motor vehicle is recorded by an automated
25 traffic law enforcement system. A violation for which a civil
26 penalty is imposed under this Section is not a violation of a

1 traffic regulation governing the movement of vehicles and may
2 not be recorded on the driving record of the owner of the
3 vehicle.

4 (j-3) A registered owner who is a holder of a valid
5 commercial driver's license is not required to complete a
6 traffic education program.

7 (j-5) For purposes of the required traffic education
8 program only, a registered owner may submit an affidavit to the
9 court or hearing officer swearing that at the time of the
10 alleged violation, the vehicle was in the custody and control
11 of another person. The affidavit must identify the person in
12 custody and control of the vehicle, including the person's name
13 and current address. The person in custody and control of the
14 vehicle at the time of the violation is required to complete
15 the required traffic education program. If the person in
16 custody and control of the vehicle at the time of the violation
17 completes the required traffic education program, the
18 registered owner of the vehicle is not required to complete a
19 traffic education program.

20 (k) An intersection equipped with an automated traffic law
21 enforcement system must be posted with a sign visible to
22 approaching traffic indicating that the intersection is being
23 monitored by an automated traffic law enforcement system.

24 (k-3) A municipality or county that has one or more
25 intersections equipped with an automated traffic law
26 enforcement system must provide notice to drivers by posting

1 the locations of automated traffic law systems on the
2 municipality or county website.

3 (k-5) An intersection equipped with an automated traffic
4 law enforcement system must have a yellow change interval that
5 conforms with the Illinois Manual on Uniform Traffic Control
6 Devices (IMUTCD) published by the Illinois Department of
7 Transportation.

8 (l) The compensation paid for an automated traffic law
9 enforcement system must be based on the value of the equipment
10 or the services provided and may not be based on the number of
11 traffic citations issued or the revenue generated by the
12 system.

13 (m) This Section applies only to the counties of Cook,
14 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
15 to municipalities located within those counties.

16 (n) The fee for participating in a traffic education
17 program under this Section shall not exceed \$25.

18 A low-income individual required to complete a traffic
19 education program under this Section who provides proof of
20 eligibility for the federal earned income tax credit under
21 Section 32 of the Internal Revenue Code or the Illinois earned
22 income tax credit under Section 212 of the Illinois Income Tax
23 Act shall not be required to pay any fee for participating in a
24 required traffic education program.

25 (o) A municipality or county shall make a certified report
26 to the Secretary of State pursuant to Section 6-306.5 of this

1 Code whenever a registered owner of a vehicle has failed to pay
2 any fine or penalty due and owing as a result of 5 offenses for
3 automated traffic law violations.

4 (Source: P.A. 96-288, eff. 8-11-09.)".